

REMARKS

Presently, claims 117-199 are pending in the application. No new matter has been added to the application.

In the present action, the Examiner has pointed out that the claim listing submitted in Applicant's Preliminary Amendment, filed June 26, 2002 ("Preliminary Amendment") does not comply with proper U.S. PTO amendment practice. Specifically, the Examiner has noted that the claims included in the Preliminary Amendment Response did not include proper status identifiers required under the 37 CFR 1.121(c) applicable on July 30, 2003. Additionally, the Examiner points out that claims 120-124 were listed twice in the Preliminary Amendment.

Initially, Applicant respectfully disagrees with the Examiner's reasons for issuing the Notice of Non-Compliant Amendment, at least because it is unclear what the Examiner's objection to the claims actually is. That is, the rules cited by the Examiner are applicable to claim amendments filed on or after July 30, 2003, whereas the Preliminary Amendment was filed on June 26, 2002. Thus, Applicant believes that the claims submitted with the Preliminary Amendment were in proper format.

Nonetheless, to further prosecution of the present application, Applicant has submitted herewith a Listing of the Claims section, such that the claims as submitted with the Preliminary Amendment are compliant with current U.S. patent practice. In a telephone conversation with Examiner Manning on April 26, 2006, the Examiner indicated that listing the claims 117-199 as "new" would be satisfactory. Thus, claims 1-116 have been listed as "cancelled" and claims 117-199 have been listed as "new", as they were added in the Preliminary Amendment. Additionally, claims 120-124 have only been listed once each. No substantive changes to the claims have been made with respect to the Preliminary Amendment. Accordingly, Applicant respectfully requests that the claim listing as included with this paper be entered and considered with Applicant's remarks as submitted in the Preliminary Amendment. Applicant notes, however, that the

Preliminary Amendment nonetheless remains subject to the patent rules in effect as of the filing date of the Preliminary Amendment, namely, June 26, 2002.

In view of the foregoing remarks, Applicant respectfully submits that the application, including claims 117-199, is in condition for allowance. Examination and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

Date: 4/27/06

By: Andrew W. Spicer

Andrew W. Spicer
Registration No. 57,420
Technology, Patents & Licensing, Inc.
2003 South Easton Road, Suite 208
Doylestown, PA 18901
267-880-1720

Customer Number: 27832